

General Overview

State Environmental Commission

- **Adoptions of Regulations**
- **Declaratory Orders And Advisory Opinions**
- **Appeal Hearings**

The Environmental Commission conducts rulemaking proceedings and hears appeals from orders of the Department of Conservation and Natural Resources ("DCNR") in the areas of air quality, water pollution, and solid and hazardous waste management.

Adoption of Regulations

The rules regarding the adoption of regulations by state agencies, as set forth in Nevada Administrative procedures Act (NAPA) apply to proceedings for the adoption, amendment, or repeal of regulations before the Environmental Commission. Any interested person may petition the commission in writing for the issuance of any rule or regulation and must include in the petition such relevant data, views, and arguments as required by the commission on a form entitled "Form 1. Upon submission of a petition for rulemaking, the commission will either initiate rulemaking proceedings or deny the petition within 30 days after the petition is filed.

If a regulation to be considered by the Environmental Commission provides a standard of water quality or waste discharge, notice of a hearing on the regulation must be published at least once in a newspaper of general circulation in the area in which the standard, if adopted, will apply. If the regulation governs the prevention, abatement, or control of air pollution, notice of the public hearing must be given by at least three publications in newspapers throughout the state, once a week for three weeks, commencing at least 30 days before the hearing.

Declaratory Orders And Advisory Opinions

Any member of the public may petition the Environmental Commission for a declaratory order or an advisory opinion as to the applicability of any statutory provision, commission regulation, or decision. Such a petition is to be filed on a form issued by the commission entitled "Form 2. The commission will issue a decision on a petition for a declaratory order or advisory opinion within 30 days after receipt of such petition.

Appeal Hearings

The Environmental Commission hears appeals from decisions issued by DCNR. Any person requesting a hearing before the commission must file a written request, within 10 days after notice of the action taken by the department. The request can be made on a form issued by the commission entitled "Form 3. The secretary of the commission will schedule a hearing to be held within 20 days after receipt of a request for a hearing.

The Environmental Commission will notify all interested parties of the hearing which must be no less than five days after the date of notification. Hearings will be conducted by a panel consisting of three or more members of the commission and a majority of those present must concur in any decision. The commission may issue subpoenas for the attendance of witnesses and the production of documents at the request of any party. A party requesting a hearing before the Environmental Commission pursuant to any statutory or regulatory provision governing the control of air or water pollution or the management of waste, is deemed an "appellant" by the commission. A party may be

required to appear before the commission as an appellant by either the director DCNR, an authorized representative of the director, or a person designated pursuant to ordinance, regional agreement, or regulation to enforce local air pollution ordinances and regulations.

The parties at the hearing may be represented by counsel. Testimony is taken under oath and recorded by either human or electronic means. Opening statements, presentation of evidence, cross examination, and closing arguments are allowed by all parties. Hearings are generally open to the public unless confidential information is involved, in which case, the hearing can be closed

At the conclusion of the hearing, the Environmental Commission will take the case under submission and notify the applicant in writing of its findings and recommendations within 30 days after the hearing date.

Source: Nevada Revised Statutes / Nevada Administrative Code / Nevada Environmental Law Handbook – February 1993